

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 160
SALES FINANCE AGENCY ACT

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- 63 160.APPENDIX B Mortgage Ratio Worksheet (Repealed)
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65 AUTHORITY: Implementing and authorized by Section 13 of the Sales Finance Agency Act
66 [205 ILCS 660/13].

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68 SOURCE: Filed September 21, 1970; amended at 5 Ill. Reg. 1358, effective February 3, 1981;
69 codified at 7 Ill. Reg. 11728; amended at 9 Ill. Reg. 1370, effective January 17, 1985; amended
70 at 12 Ill. Reg. 17844, effective October 24, 1988; amended at 19 Ill. Reg. 49, effective December
71 22, 1994; emergency amendment at 22 Ill. Reg. 1543, effective January 2, 1998; amended at 22
72 Ill. Reg. 13699, effective July 14, 1998; amended at 25 Ill. Reg. 6261, effective May 17, 2001;
73 amended at 26 Ill. Reg. 14248, effective October 1, 2002; amended at 41 Ill. Reg. 11289,
74 effective August 28, 2017; amended at 45 Ill. Reg. 4459, effective March 24, 2021; amended at
75 46 Ill. Reg. _____, effective _____.

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77 SUBPART A: GENERAL PROVISIONS

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79 **Section 160.280 Loan Sales**

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- 81 a) For purposes of this Section:
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- 83 1) "Act" means the Sales Finance Agency Act [205 ILCS 660]; and
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- 85 2) "Licensee" means licensees under the Act and the Consumer Installment
- 86 Loan Act [205 ILCS 670].

- b) A licensee may not pledge, hypothecate, sell, or otherwise convey contracts purchased, or loans made, under the provisions of the Act, except as provided in this Section.
- c) A licensee may not pledge, hypothecate, sell, or otherwise convey contracts purchased, or loans made, under the Act, except to:
- 1) another licensee under the Act;
 - 2) a Consumer Installment Loan Act licensee;
 - 3) a special purpose vehicle as defined by the Act; ~~or~~
 - 4) a person or entity as described in 205 ILCS 660/17(b) that lends against or purchases retail installment contracts, retail charge agreements, or the outstanding balances or any portion of the outstanding balances under those contracts or agreements from an Illinois licensed sales finance agency or consumer installment loan act licensee in connection with a securitization, private placement, or similar type of investment transaction. A licensee may pledge, hypothecate, sell, or otherwise convey contracts purchased, or loans made, under the Act to such a person or entity if, and only if, the conveyor licensee retains servicing of the loan agreements or contracts and maintains the records for those loan agreements or contracts;
 - 5) the retail seller from which the conveyor licensee originally purchased the retail installment contracts or retail charge agreements; or
 - 6) ~~4)~~ a credit union, bank, banking association, trust company, savings bank, or savings and loan association authorized to do business under the laws of this State or of the United States.
- d) The conveyor licensee shall notify the Department in writing, no more than 10 days after the transaction, indicating the name of the purchaser/pledgee/recipient.
- e) ~~The requirements of subsection (c) do not apply to a person or entity that lends against or purchases retail installment contracts, retail charge agreements, or the outstanding balances or any portion of the outstanding balances under those contracts or agreements from an Illinois licensed sales finance agency in connection with a securitization, private placement, or similar type of investment transaction. This exemption applies if, and only if, the conveyor licensee retains servicing of the loan agreements or contracts and maintains the records for those loan agreements or contracts.~~

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131 (Source: Amended at 46 Ill. Reg. _____, effective _____)